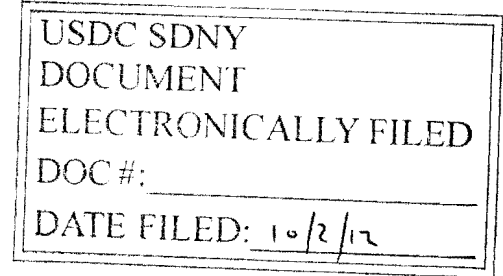


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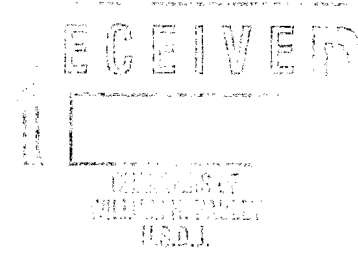
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August 9, 2012

VIA REGULAR MAIL AND E-MAIL

Hon. William H. Pauley, III
United States District Judge
Southern District of New York
500 Pearl Street
Room 2210
New York, New York 10007



Re: United States v. Daugerdas, et al., No. S3 09 Cr. 581 (WHP)

Dear Judge Pauley:

We write further to Your Honor's statements during the telephone conferences on Friday, August 3, 2012, in the above-referenced matter, that, should defendant Denis Field qualify for the appointment of counsel under the Criminal Justice Act ("CJA"), Your Honor will appoint Sharon L. McCarthy of this firm as CJA counsel for Mr. Field.

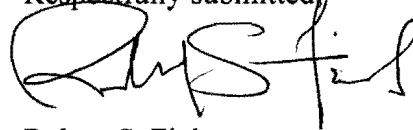
In our letter of August 3, 2012, we advised the Court that this Firm's unpaid fees in connection with its representation of Mr. Field in this matter amount to over \$1.5 million. As Your Honor is aware, we also represented Mr. Field in his arbitration against BDO, at an additional cost to this Firm of over \$400,000. We expected to succeed in the arbitration, in which case our past and future fees would have been paid by BDO. But, after the arbitrator issued his decision on July 17, 2012, denying Mr. Field's claims to attorneys' fees, our position vis-a-vis Mr. Field changed. The Firm intends to exercise all of its rights under the law to recover fees due from Mr. Field, including, for example, seeking foreclosure of Mr. Field's Illinois real property, on which we hold a lien. We believe that this presents a potential conflict between the Firm and Mr. Field. The potential conflict we are facing is heightened by the fact that the Firm believes that a delay in the Firm's collection activities will prejudice the Firm's ability to recover the fees it is due.

We expect Mr. Field to file his financial affidavit with the Court by the end of this week. Should the Court conclude that Mr. Field is entitled to the appointment of CJA counsel, we respectfully submit that, prior to the Court's appointing Ms. McCarthy as CJA counsel in this case, a hearing should be held pursuant to *United States v. Curcio*, 25 F.3d 146 (2d Cir 1994), to

Hon. William H. Pauley, III
August 9, 2012
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advise Mr. Field of this potential conflict, to determine whether the conflict can be waived, and to determine whether Mr. Field wishes to waive that conflict.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. S. Fink', written in a cursive style.

Robert S. Fink

cc: (by e-mail)
Denis M. Field